THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

–

LAAS.Nos.418, 419 & 420 of 2014

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COMMON JUDGMENT: (*Per Hon'ble Sri Justice R. Subhash Reddy*)

These appeals, under Section 54 of the Land Acquisition Act, 1894, are filed by the Special Deputy Collector (L.A), Somasila Project, Unit No.IV, Rajampet aggrieved by the order, dated 23.10.1998, in L.A.O.P.Nos.57 of 1990, 52 of 1991 & 2 of 1996 passed by the learned Senior Civil Judge, Rajampet.

Various extents of lands situated at Kuruguntlapalli village of Vontimitta Mandal, Kadapa District, belonging to the respondents-claimants, along with other claimants, were acquired under the provisions of the Land Acquisition Act, 1894 (for short 'the Act') for the purpose of Somasila Project. A draft notification under Section 4 (1) of the Act was published on 12.08.1980. The Land Acquisition Officer, after conducting necessary enquiry, has categorized the lands into several categories and passed the award fixing the market value of the lands at Rs.14,000, Rs.13,000, Rs.11,000, Rs.10,500, Rs.10,000/-, Rs.7,000/-, Rs.4,000/-, Rs.2,100/-, Rs.1,000/-, Rs.500/- and Rs.300/- per acre. Not satisfied with the same, the respondents – claimants sought reference under Section

18 of the Land Acquisition Act to the Civil Court. After analysing the oral and documentary evidence on record, the Reference Court passed the impugned orders, whereby the market values fixed by the Land Acquisition Officer were enhanced to Rs.23,000/-, 23,000/-, 20,000/-, 19,500/-, 19,000/-, 11,000/-, 5,500/-, 3,600/- and Rs.1,500/- per acre respectively, while confirming the market values fixed for the lands at Rs.500/- and 300/- per acre. Against such enhancement made by the Reference Court, these appeals are filed.

Today, when these matters are taken up for hearing, it is submitted that subsequent to issuance of G.O.Rt.No.101, dated 20.02.2006, whereby the Government came forward to settle the matters through Lok Adalath, another decision was taken by the Government not to contest the Awards where the enhancement of market value is over and above 80% of the market value fixed by the Land Acquisition Officer.

Learned Government Pleader appearing for the appellant submitted that when some lands were acquired by the Government for the same purpose of Somasila Project, the Reference Court enhanced the market value 80% over and above the market value fixed by the Land Acquisition Officer and, subsequently, when appeals are preferred in A.S.S.R.Nos.94589 of 2002 & batch, by judgment dated 11.02.2008, this Court dismissed such appeals as withdrawn in view of the aforesaid decision of

the Government. A copy of such judgment is placed on record.

A perusal of the earlier judgment, dated 11.02.2008, in A.S.S.R.No.94589 of 2002 & batch discloses that the lands therein were also acquired for the same purpose of Somasila Project and the Reference Court enhanced the market value 80% over and above the market value fixed by the Land Acquisition Officer. In the present case also, the Reference Court enhanced the market value 80% over and above the market value fixed by the Land Acquisition Officer.

Therefore, in view of the afore-mentioned decision of the Government and also the earlier judgment, dated 11.02.2008, passed in A.S.S.R.Nos.94589 of 2002 & batch, these appeals are also dismissed as withdrawn. However, since it is brought to the notice of this Court that some of the claimants- respondents in these appeals have settled their claims before the Lok Adalath and awards have also been passed, it is made clear that this order will not affect such awards. There shall be no order as to costs.

The miscellaneous petitions, if any, pending in these appeals shall stand closed.

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JUSTICE R.SUBHASH REDDY

JUSTICE A.SHANKAR

NARAYANA

28th October, 2014

v v

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(Per Hon'ble Sri Justice R.Subhash Reddy)

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v v